



2008 Human Rights Report: Andorra

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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The Principality of Andorra is a constitutional parliamentary democracy with a population of approximately 83,000. Two princes -- the president of France and the Spanish bishop of Seu d'Urgell-- serve with joint authority as heads of state, and a delegate represents each in the country. Free and fair elections were held in 2005 for the 28 seats in the General Council of the Valleys that selects the head of government. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. However, prolonged pretrial detention and violence against women and children were reported. The government did not grant refugee status or asylum, but from time to time it has assisted refugees "for humanitarian reasons." The law does not protect the right of workers to form and join unions or unions' right to bargain collectively and to strike.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

Prison conditions generally met international standards, and the government permitted visits by independent human rights observers.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The country has no defense force and depends on Spain and France for external defense. Civilian authorities maintained effective control over the national police, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the police during the year.

Arrest and Detention

Police may legally detain persons for 48 hours without charging them with a crime. Warrants are required for arrest. The law does not provide individuals under arrest immediate access to an attorney, but legislation provides for legal assistance beginning 25 hours after arrest. There is a system of bail.

Lengthy pretrial detention was a problem, and the ombudsman has criticized it. Foreigners represented 75 percent of those arrested and awaiting trial, and their cases accounted for most of the lengthy detention cases, primarily because in most such cases two or even three countries may be involved. Pretrial detainees made up approximately 30 percent of the prison population.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Trials are public and defendants can request a jury. Defendants have the right to be present and consult with an attorney in a timely manner. Defendants and attorneys have access to government-held evidence in their cases. An attorney is provided at public expense if needed when a defendant faces serious criminal charges. Defendants have the right to appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The judiciary is independent and impartial in civil matters, and plaintiffs can bring lawsuits seeking damages for, or cessation of, a human rights violation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected

these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. An estimated 34 percent of citizens had broadband Internet connections.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for the freedoms of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice. Under the constitution, the Roman Catholic Church and the state have a special relationship; one of the two constitutionally designated princes of the country is bishop in the Spanish town of La Seu d'Urgell. The government pays the salaries of Catholic priests and religion teachers, who teach the Roman Catholic religion in the public schools as an optional course outside regular school hours.

Societal Abuses and Discrimination

There were no reports of anti-Semitic acts against the approximately 100-person Jewish community.

For a more detailed discussion see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government was committed to cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The constitution and law prohibit forced exile, and the government did not employ it.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. However, the government has, from time to time, cooperated with UNHCR and other organizations in assisting refugees "for humanitarian reasons." The most recent example was in 2006, when the government temporarily accepted five Eritrean immigrants who were part of a group saved from a ship adrift in

the Mediterranean Sea. In practice, the country provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

General Council elections in 2005 were considered free and fair. Individuals and parties could freely declare their candidacy and stand for election.

There were eight women in the 28-seat General Council and three women in the nine-seat cabinet.

The country is ethnically and linguistically homogeneous; as a consequence, there were no members of minorities in government.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, there were no reports of government corruption during the year. Public officials are not subject to financial disclosure laws. The chief of police is responsible for combating corruption.

The law provides for public access to government information, and the government has permitted access in practice for citizens and non-citizens, including foreign media.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no government restrictions on the ability of domestic and international human rights groups to operate in the country, and to investigate and publish their findings on human rights cases. Government officials were generally responsive to their views.

Section 5 Discrimination, Societal Abuse, and Trafficking in Persons

The constitution and law declare that all persons are equal before the law and prohibit discrimination on grounds of birth, race, gender, origin, opinions, or any other personal or social condition; however, the law reserves a few rights and privileges exclusively for citizens.

Women

The law prohibits rape, including spousal rape; rape is punishable by up to 15 years' imprisonment. Authorities enforced the law effectively.

According to the Ministry of Health, Welfare, and Family, there were 135 reports of physical abuse against women during the year, a small increase from 2007. Authorities reported that approximately 50 persons were prosecuted for violence against women. There is no specific law prohibiting domestic violence, although other laws may be applied in such cases. Victims of domestic violence could request help from the Andorran International Women's

Association (AIWA) and the Andorran Women's Association (AWA), but victims rarely filed a complaint with the police for fear of reprisal. The two associations reported that some women complained about the treatment they received from police when they filed a complaint. The government did not have any shelters, but it had a hot line and provided medical and psychological services to victims of domestic violence. The government and AIWA placed abused women and their children in the private apartments of people who agreed to provide shelter. Caritas, a religious NGO, worked closely with the government and AIWA on social issues.

Prostitution is illegal and was not a problem.

The law does not prohibit sexual harassment; however, it was not considered a problem.

The law prohibits discrimination against women privately or professionally; however, the AWA reported that there were some cases of women dismissed from employment due to pregnancy. Observers estimated that women earned 35 percent less than men for comparable work; this gap appeared to be decreasing slowly. A Sociological Research Center report in 2006 indicated that 66 percent of top positions were occupied by men.

Children

The government was committed to children's rights and welfare.

Violence against children persisted. According to the Secretariat of State for Social Welfare and Family, 109 minors were treated for various forms of abuse during the year. In January a law criminalizing child pornography was enacted by the government.

Trafficking in Persons

The law prohibits trafficking in persons for labor exploitation, and there were no reports that persons were trafficked to, from, or within the country. Slavery or forced labor is punishable by a maximum of 12 years' imprisonment. There is no law that specifically penalizes human trafficking for sexual exploitation, but such cases could be prosecuted as trafficking for labor exploitation. The government agencies responsible for dealing with trafficking are the Department of the Interior and the Department of Social Welfare.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government enforced it effectively. Nevertheless, societal discrimination against persons with disabilities existed on a small scale, in the form of social and cultural barriers. Persons with disabilities also faced disadvantages in the labor market. The law mandates access to public buildings for persons with disabilities, and the government generally enforced this provision. An association for persons with disabilities operates in the principality.

Other Societal Abuses and Discrimination

There were no reports of societal violence or discrimination based on sexual orientation.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

The government's elected ombudsman advised the government in 2007 to follow World Health Organization recommendations concerning work and residence permits for immigrants. According to the ombudsman, the

government's denial of permits to persons with certain diseases, including those infected with the HIV virus, could constitute a violation of human rights.

Section 6 Worker Rights

a. The Right of Association

The constitution recognizes that workers have the right to form associations to defend their economic and social interests, but the country has no specific laws to protect this right. Workers were reluctant to admit to union membership, fearing retaliation by their employers, and unions did not make their membership numbers public. The law allows unions to conduct their activities without interference; however, the government lacked mechanisms to protect this right in practice. The law does not specifically provide for the right to strike, and no strikes were conducted during the year. However, on May 1 (Labor Day), the government permitted workers to conduct a peaceful demonstration tied to their demands that the government approve a law to protect workers' rights.

b. The Right to Organize and Bargain Collectively

The law does not provide specifically for collective bargaining, and it was not practiced.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law does not prohibit forced and compulsory labor, including by children; however, there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children under the age of 18 from working, except in limited circumstances when school is not in session. The labor inspection office in the Ministry of Social Welfare, Public Health, and Labor effectively enforced child labor regulations.

e. Acceptable Conditions of Work

The national minimum wage of 7.18 euros (approximately \$10.50) per hour and 897.87 euros (\$1,250) per month did not provide a decent standard of living for a worker and family due to the high cost of living. Wages increased at a slower rate than housing and lodging costs. The labor inspection office enforced the minimum wage effectively.

The law limits the standard workweek to five eight-hour days. Workers may work up to three overtime hours per day or 15 hours per week (and 426 hours per year). The law provides for premium pay for overtime. There is a required rest period every day.

The labor inspection service sets occupational health and safety standards and effectively enforced them. During the year the labor inspection service received more than 200 complaints against companies for violating labor regulations, and had the authority to levy sanctions and fines against such companies. Although the law authorizes employees to refuse certain tasks if their employers do not provide the necessary level of protection, it does not provide workers the right to remove themselves from dangerous work situations without jeopardizing their continued employment. The number of accidents at work has been rising for a number of years; there were 4,980 accidents reported during the year, compared to 4,626 in 2007.

